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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,909	12/07/2000	Reto Hugli	00-679	5699

7590 12/11/2003

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EXAMINER

STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/674,909

Applicant(s)

HUGLI ET AL.

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-15 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

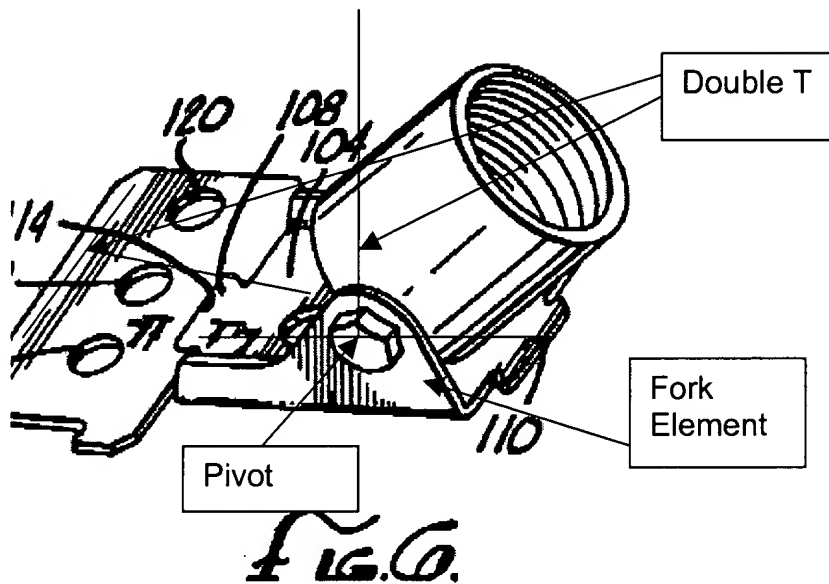
DETAILED ACTION

This is the **Final Office Action** for application number 09/674,909 Supporting and Fastening Device for Contact Wires, filed on 11/30/2000. Claims 1-15 are pending. This **Final Office Action** is in response to applicant's reply dated 9/24/03, paper no. 9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-6, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5145132 to Kirschner.

The patent to Kirschner discloses a supporting and fastening arrangement for which could be used for contact wires having a one-piece elongate support portion (30, 102) which can be fixed by means of suitable fastening means to a wall or bar element and a one piece coupling element (100, 104), for connecting the support portion (30, 102) to a bracing tube, wherein the support portion (30, 102) has a preferably central first recess (114) which is provided to co-operate with a matching connecting portion (108) of the coupling element and which is adapted to make a connection which can be plugged in and released and which is secured in respect of rotation and which is fixed when placed under a tensile and/or pressure loading, wherein the coupling element has a pivot portion (40) fitted thereto and connected to a counterpart fork coupling element which is adapted for connecting to the bracing tube. (See Drawing Below).



Kirschner also shows wherein the support portion (102) and the connecting portion (100, 104) has a cross section which is in the shape of a double-T-shaped configuration. (See Drawing above). Kirschner also shows that the support portion has a front and a rearward longitudinal slot (116, 120) in the plane of the first recess and a pair of side portions with a rounded edge in the direction in which the longitudinal slots (116, 120) extend.

Kirschner also shows wherein the device has a second recess (112) which preferably extends perpendicularly to the direction in which the support portion extends and which is such that in a condition of connection to the coupling element a portion of the coupling element (110) which engages into the recess and additionally fixes the coupling element, the coupling element (100, 104) having a receiving holder (104) for receiving the support portion (102) and for positively locking retention of the support portion.

Kirschner shows that the coupling element is in the form of a U-shaped yoke shaped holder (See Fig. 5) near the first recess and is adapted to provide the pivot portion (100) for receiving a rotary pivot part at open leg ends of the holder.

Claims 1, 8, 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 5709057 to Johnson, Jr. et al.

Johnson, Jr. et al shows a supporting and fastening arrangement having an elongate support portion (11) which can be fixed by means of suitable fastening means to a mast, and a coupling element (16, 17) wherein the support portion (28) has a preferably central first opening and/or recess (13A, 15A) which is provided to co-operate with a matching connecting portion of the coupling element and which is adapted to make a connection which can be plugged in and released and which is secured in respect of rotation and which is fixed when placed under a tensile and/or pressure loading.

Johnson, Jr. et al also shows a U-shaped fork element (16) or bar element (19) which is such that with a central connecting portion can be fitted non-rotatably into longitudinal slots (13A, 15A) of the support portion which can also be fixed by means of a sleeve element (11) to a tube end, the bar portion (19) of the bar element (19) is of such dimensions that in an assembled condition it projects through the longitudinal slots (13A) and non-rotatably fixes the bar element when under a tensile loading relative to the support portion (11). Johnson, Jr. et al. also discloses where the support portion jointly cooperates with a fork element (16) and a bar element (19).

Claim Rejections - 35 USC § 103

Claims 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5709057 to Johnson, Jr. et al. as applied to claims 1 and 8 above, and in view of Japanese Patent No. JP406010450A to Hashiguchi.

Johnson, Jr. et al. discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show that free legs of the fork element are of such dimensions that in an assembled condition they project through the first opening and non-rotatably fix the fork element when under a tensile loading relative to the support portion (28).

Hashiguchi shows a support element (A1) for attaching to a surface which has a central opening (1a) which and a fork element (6) which project through the first opening (1a) and non-rotatably fix the fork element when under a tensile loading relative to the support portion (28), used to hold the fork element securely to the support element and to also be detachable. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Hashiguchi to have modified the fork element and support element of Johnson Jr. et al. to have had modified the recess to be an opening to which the fork element projects through in order to hold the fork element securely to the support element and to also be detachable.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5709057 to Johnson, Jr. et al. as applied to claims 1 and 8 above, and in view of United States Patent No. 5145132 to Kirschner.

Johnson, Jr. et al. discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show that the fork or bar element has a female screwthread.

Kirschner shows a supporting and fastening arrangement which has a fork device (100, 104) which has the fork portion with a female screwthread for securably fastening the bracing device to the arrangement. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Kirschner to have screwthread in the device of Johnson, Jr. et al. in order to more securely fasten the desired devices.

Response to Arguments

The applicant has argued that the prior art does not contain limitations of claim 1 which include the counterpart fork coupling element which is adapted for connection to a bracing tube. This is unpersuasive in that the fork element is highlighted in a marked up drawing above and is adapted to connect to a bracing tube via coupling element (100).

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reason is that the prior art does not show wherein the coupling element is a yoke shaped holder and is attached to the support portion by the fork portion of the coupling element being received in the first opening.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8

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Art Unit: 3632

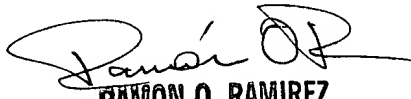
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a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 703-308-3519 (informal amendments/communications).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.



AJS
Amy J. Sterling
12/3/03



RAMON O. RAMIREZ
PRIMARY EXAMINER
ART UNIT 355 3632